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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

6 STATE OF WASHINGTON,

7 Plaintiff,

8 v.

9 BETSY DeVOS, in her official capacity as
10 Secretary of the United States Department of
Education; and the UNITED STATES
11 DEPARTMENT OF EDUCATION, a federal
agency,

12 Defendants.

13 NO. 2:20-cv-01119-MLP

14 ORDER GRANTING STATE OF
WASHINGTON'S MOTION FOR
PRELIMINARY INJUNCTION
[PROPOSED ORDER]

15 NOTED FOR: August 14, 2020

16 This matter came before the Court on Plaintiff State of Washington's Motion for
17 Preliminary Injunction. The Court has considered all of the following:

18 1. Plaintiff State of Washington's Motion for Preliminary Injunction with
19 supporting declarations and exhibits;

20 2. Defendants' Response to Plaintiff State of Washington's Motion for Preliminary
Injunction;

21 3. Plaintiff State of Washington's Reply in Support of Motion for Preliminary
Injunction; and

22 4. The entire record in the above-captioned matter.

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1 Being fully apprised of the matter, now, therefore, it is hereby
 2 ORDERED, ADJUDGED, AND DECREED that Plaintiff State of Washington's Motion
 3 for Preliminary Injunction is hereby GRANTED.

4 The Court finds that Washington has established a likelihood of success on the merits of
 5 its claims under the Administrative Procedure Act, and the U.S. Constitution, that they would
 6 suffer irreparable harm absent preliminary injunctive relief, and that the balance of equities and
 7 the public interest weigh in favor of an injunction.

8 The Court, therefore, hereby GRANTS a preliminary injunction against the
 9 implementation or enforcement of the Department's Rule that directly curtails the control
 10 Congress gave Washington's Governor, OSPI, and LEAs over emergency funds to provide
 11 essential services to the neediest students. The Court finds that Congress intended for CARES
 12 Act funds to be distributed according to section 1117 of the ESEA, which measures funds to be
 13 shared with private schools based on the number of students from low-income families at those
 14 schools. If the Department's Rule were to continue to be in effect, it would irreparably injure
 15 Washington's public schools, and their students.

16 Thus, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, the Department of
 17 Education, its officers, agents, servants, employees, and attorneys, and any person in active
 18 concert or participation with them, are hereby PRELIMINARILY ENJOINED from
 19 implementing or enforcing the Rule issued on July 1, 2020, that forces Washington and its school
 20 districts to choose from two formulas not found in section 1117 of the ESEA to calculate the
 21 disbursement of emergency funds, in any manner or in any respect, and shall preserve the status
 22 quo until further order of the Court.

1 No bond shall be required pursuant to Federal Rule of Civil Procedure 65(c).

2 It is SO ORDERED.

3 ISSUED this _____ day of _____ 2020.

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5 THE HONORABLE

6 Presented by:

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8 Attorney General of Washington

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